THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4595 of 2007

Dated:08.03.2007

Between:

B. Dattu Rao.

…PETITIONER

and

Sri Ganesh Temple, Station Road, Secunderabad, and another.

…RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4595 of 2007

ORDER:

The petitioner is a tenant agent of first respondent temple. In a small shop leased out to him, he is carrying on business in selling coconuts. He is allegedly continuing in business for the last eighteen years and also enhanced the rent. In furtherance thereof, a fresh lease agreement was entered into on 07.07.2000 to extend the lease till 04.08.2002 on a monthly rent of Rs.1,475/-. He alleges that after expiry of the lease, without giving any time or opportunity, the respondents are trying to evict him illegally. It is further alleged that on 25.01.2007, he requested the respondent authorities to extend the lease and the same was rejected by the Commissioner of Endowments Department, Hyderabad and second respondent was directed to take action for evicting him (petitioner) and to conduct fresh public auction. Therefore, he filed instant writ petition seeking a writ of Mandamus directing the respondents not to evict him without following due process of Law.

After getting instructions, the learned Assistant Government Pleader for Endowments submits that on 24.01.2007 the petitioner agreed to vacate the shop within fifteen days before the Deputy Commissioner-cum-Executive Officer, but without doing so, instant writ petition is filed. A Xerox copy of the communication, vide Lr.No.SGT/6/06 dated 24.01.2007, issued by the Deputy

Commissioner-cum-Executive Officer of first respondent temple is placed before this Court, which shows that the petitioner agreed to vacate the shop within fifteen days. Having agreed to do so, he cannot again come to this Court and seek any relief. If he wants further redressal, he may approach the Executive Officer in this regard.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

08th March, 2007
ghn